

Amendment and Response

Serial No.: 10/019,643

Confirmation No.: 1109

Filed: March 20, 2002

For: METHOD AND COMPOSITION FOR AFFECTING REPRODUCTIVE SYSTEMS

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Remarks

The Office Action mailed May 18, 2005 has been received and reviewed. Claims 4, 15, 23, 27, and 29 having been amended, and claims 41-43 having been added, the pending claims are claims 4, 6, 12-21, 23, 27-29 and 41-43. Reconsideration and withdrawal of the rejections are respectfully requested.

Support for the recitation "heterologous" in amended claims 4, 23, 27, and 29 is found, for example, on page 10, lines 15-17 and page 16, lines 6-15 of the specification. Support for new claim 41 is found, for example, on page 7, lines 21-26 of the specification. Support for new claims 42, reciting a "non-oil adjuvant," is found, for example, on page 15, lines 2-3 of the specification. Support for new claim 43 is found, for example, in original claims 17 and 18.

Examiner Interview

Brief telephonic interviews were held between Primary Patent Examiner Patrick Nolan and Applicants' Representative, Nancy Johnson, on June 16, 2005 and July 14, 2005, in which proposed claim amendments were discussed. Examiner Nolan is thanked for the courtesy of these interviews.

Request for PTO-892

In the Office Action mailed May 18, 2005, the Examiner cited U.S. Patent No. 6,790,457. A review of the file indicates that U.S. Patent No. 6,790,457 has not been listed on a PTO-1449 filed by the Applicants nor on a PTO-892 provided by the Examiner. Applicants respectfully request that with the next communication the Examiner include a PTO-892 citing U.S. Patent No. 6,790,457.

Potential Interference

The Examiner asserted that at least claims 4, 6, 12, 13, 14, 15, 17, 18, 21, 23, and 29 of the application are believed to interfere under 35 U.S.C. §135(a) with at least claims 12 and 21

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of U.S. Patent 6,790,457. Applicants respectfully submit that this assertion is moot in view of the amendment of independent claims 4 and 29, which are drawn to methods practiced in birds, to recite "heterologous zona pellucida protein." Reconsideration and withdrawal of the assertion that at least claims 4, 6, 12, 13, 14, 15, 17, 18, 21, 23 and 29 of the application are believed to interfere under 35 U.S.C. §135(a) with at least claims 12 and 21 of U.S. Patent 6,790,457 is requested.

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Summary

It is respectfully submitted that the pending claims 4, 6, 12-21, 23, 27 and 29, and new claims 41-43 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
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July 29, 2005

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29 day of July, 2005, at 11:02 A.M. (Central Time).

By: Sandy Truehart
Name: Sandy Truehart